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November 17, 1999

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#### BY HAND DELIVERY

Magalie Roman Salas, Esquire Secretary Federal Communications Commission 445 12th Street, S.W., Room TW-B204 Washington, D.C. 20554

Re:

MM Docket No. 98-198

RM-9690

Cross Plains, Texas

Dear Ms. Salas:

Transmitted herewith, on behalf of Jayson D. Fritz and Janice M. Fritz, are an original and four copies of their "Supplement to Comments in Opposition to 'Erratum to "Motion to Withdraw and Dismiss Counterproposal" to Withdraw and Modify to "Motion to Withdraw and Dismiss Part of Counterproposal,"" in the above-referenced proceeding.

Should any further information be required concerning this matter, please communicate with this office.

Very truly yours,

FLETCHER, HEALD & HILDRETH, P.L.C.

Anne Goodwin Crump

Counsel for Jayson D. Fritz and Janice M. Fritz

AGC:mah Enclosures

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#### BEFORE THE

### Federal Communications Commission

WASHING	TON, D.C. 20	"CEIVE
In the Matter of	)	NOV 1 7 1999  OFFICE OF THE SECRETARY
Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Cross Plains, Texas)	) ) )	MM Docket No. 98-198 RM-9690

Directed to: Chief, Allocations Branch

# SUPPLEMENT TO COMMENTS IN OPPOSITION TO "ERRATUM TO 'MOTION TO WITHDRAW AND DISMISS COUNTERPROPOSAL' TO WITHDRAW AND MODIFY TO 'MOTION TO WITHDRAW AND DISMISS PART OF COUNTERPROPOSAL'"

Jayson D. Fritz and Janice M. Fritz (the "Fritzes"), by their attorneys, hereby respectfully submit their Supplement to their previously-filed "Comments in Opposition to 'Erratum to "Motion to Withdraw and Dismiss Counterproposal" to Withdraw and Modify to "Motion to Withdraw and Dismiss Part of Counterproposal,"" filed on August 26, 1999. Those Comments in Opposition were submitted in response to the pleading filed by Sonoma Media Corporation ("Sonoma") on August 13, 1999. With respect thereto, the following is stated:

1. In their "Comments in Opposition", the Fritzes opposed Sonoma's belated attempt to withdraw its "Motion to Withdraw and Dismiss Counterproposal," which had been submitted on August 3, 1999. The Fritzes noted that Sonoma waited until August 13, 1999, eight days after the comment deadline in the above-captioned proceeding, to submit its so-called "Erratum to 'Motion to Withdraw and Dismiss Counterproposal' to Withdraw and Modify to 'Motion to Withdraw and Dismiss Part of Counterproposal.'" Fritz argued that this untimely submission was

unavailing and represented a blatant abuse of the Commission's processes. The Fritzes also indicated that it would submit engineering material to show that the substitute channel at Mason, Texas, proposed by Sonoma had technical difficulties.

2. The Fritzes have determined that they will not submit anything further at this time. Nonetheless, the Fritzes reaffirm their arguments concerning the unacceptability of Sonoma's attempt to withdraw its previous withdrawal after the relevant comment deadline in this proceeding. For the reasons set forth in the Fritzes' "Comments in Opposition," to allow Sonoma to change its mind at such a late date and reinstate its Counterproposal would be a flagrant abuse of the Commission's processes which must not be countenanced.

WHEREFORE, the premises considered, the Fritzes respectfully renew their request that Sonoma's Counterproposal be dismissed in its entirety as requested by Sonoma during the comment period.

Respectfully submitted,

JAYSON D. FRITZ AND JANICE M. FRITZ

By:

Vincent J. Curtis, Jr.

Anne Goodwin Crump

Their Attorneys

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November 17, 1999

#### **CERTIFICATE OF SERVICE**

I, Mary A. Haller, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that true copies of the foregoing Supplement to Comments in Opposition to "Erratum to 'Motion to Withdraw and Dismiss Counterproposal' to Withdraw and Modify to 'Motion to Withdraw and Dismiss Part of Counterproposal'" were sent this 17<sup>th</sup> day of November, 1999, by United States mail, postage prepaid, to the following:

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Policy & Rules Division
Federal Communications Commission
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Washington, DC 20554

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Watts Communications, Inc. Radio Station KXYL P.O. Box 100 Brownwood, TX 76804-0100

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